



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

May 9, 1958

WW-569
Overruled by _____

Mr. J. S. Boyles, Chairman
Texas State Board of Registration
for Public Surveyors
Austin, Texas

Opinion No. WW-428

Re: Can A Registered Professional Engineer who is not registered as a Public Surveyor legally do boundary surveying for the public in Texas?

Dear Mr. Boyles:

We have received your letter of April 17, in which you ask our opinion on the following question:

"Can a Registered Professional Engineer who is not registered as a Public Surveyor legally do boundary surveying for the public in Texas?"

You state that you are in possession of information that certain Professional Engineers who are not registered as a Registered Public Surveyor are conducting boundary surveys and claiming exemption under Subsection (c) of Section 3, Article 5282a, Vernon's Annotated Civil Statutes.

Regulatory authority over Public Surveyors is vested in the State Board of Registration for Public Surveyors by Article 5282a, Vernon's Annotated Civil Statutes. Such being the source of the Board's authority, the Board is subject to the limitations and exceptions in such Article.

Section 6 of such Article reads in part as follows:

"From and after January first following the effective date of this Act, no person except those exempted from the operation of this Act as provided for in Section 3 hereof, shall engage or continue in the practice of Public Surveying as defined herein unless such person shall be registered as provided herein"

Section 3 of such Article, enumerating those persons exempted from the provisions of the Act, reads in part as follows:

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"(c) Registered Professional Engineer when practicing his profession as authorized by law.

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The fact that the disciplines of certain engineering pursuits may or may not include adequate preparation in the measurement of the earth's surface is for the consideration of the Legislature in promulgating the statute regulating the various professions. The Legislature has expressly exempted Registered Professional Engineers from the purview of Article 5282a, Vernon's Annotated Civil Statutes. In our opinion, and you are so advised, a Professional Engineer, who is fully registered in compliance with the statutes regulating his profession, is not required to register as a Public Surveyor under Article 5282a, Vernon's Annotated Civil Statutes, in order to legally do boundary surveying for the public in Texas.

SUMMARY

A Registered Professional Engineer who is not registered as a Public Surveyor may legally do boundary surveying for the public in Texas.

Yours very truly,

WILL WILSON
Attorney General of Texas

By s/Tom I. McFarling
Tom I. McFarling
Assistant

TIM:wb:mg:wc

APPROVED:

OPINION COMMITTEE

Geo. P. Blackburn, Chairman
Mrs. Mary K. Wall
J. Milton Richardson
Linward Shivers
Henry G. Braswell

REVIEWED FOR THE ATTORNEY GENERAL
BY: W. V. Geppert